

2002 with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231:

1. Cover Letter (1 page);
2. Response (2 pages);
3. Marked-up copy of Substitute Specification, including application cover sheet (774 pages);
4. Clean copy of Substitute Specification, including application cover sheet (774 pages);
5. Declaration (1 page);
6. Electronic Document containing the Sequence Listing; and
7. Return stamped postcard.

We submit a copy of the Cover Letter, Response, Declaration, paper copy of CD containing the Electronic Document containing the Sequence Listing, and the Return stamped postcard (front and back). The Cover Letter, Response and Declaration each have an executed Certificate of Mailing indicating that the documents were deposited with the United States Postal Service on April 4, 2002 with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. Copies of items 3 and 4, and an electronic copy of item 6, were not in the file transferred to us from EpiGenesis.

In view that the Response was filed in a timely manner, Applicant respectfully requests the Examiner withdraw the Notice of Abandonment.

Respectfully submitted,

Date: June 19, 2003

Albert P. Hallin
Albert P. Hallin (Reg. No. 25,227)
Robin C. Chiang (Reg. No. 46,619)

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025
(650) 463-8109

JUN. 19. 2003 4:13PM

HOWREY SIMON ARNOLD

NO. 0626 P. 2/10

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner Janet L. Epps (Group Art Unit 1635) at (703) 746-5143 of the U.S. Patent and Trademark Office on June 19, 2003.

Wanda Alleje
Wanda Alleje

#16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan W. NYCE

Appl. No.: 09/543,679

Filed: April 4, 2000

For: **LOW ADENOSINE ANTI-SENSE
OLIGONUCLEOTIDE, COMPOSITIONS,
KIT & METHOD FOR TREATMENT OF
AIRWAY DISORDERS WITH
BRONCHOCONSTRICTION, LUNG
INFLAMMATION, ALLERGY(IES) &
SURFACTANT DEPLETION**

Art Unit: 1635

Examiner: Epps, Janet L.

Confirmation No. 6742

Atty. Docket: EPI-0067191
(02486.0025.CPUS01)

Statement Under 37 CFR 1.8(b) (1)

Mail Stop
Commissioner for Patents
P. O. Box 1450
Alexander, VA 22313-1550

Sir:

In receiving a Notice of Abandonment dated June 12, 2003, Applicant first became aware that Examiner Epps had not yet received the Response mailed to the U.S. Patent and Trademark Office by first class mail pursuant 37 CFR 1.8(a) (1) on April 4, 2002.

This case was transferred to us from EpiGenesis Pharmaceuticals, Inc. ("EpiGenesis") in January, 2003. EpiGenesis has an exclusive license to this application from East Carolina University, the Assignee of this application.

In the file for this case, we have a copy of a Cover Letter, with an executed Certificate of Mailing pursuant to 37 CFR 1.8 on each document, indicating that the following documents were deposited with the United States Postal Service on April 4,

JUN. 19. 2003 4:14PM

EPI-00671b

HOWREY SIMON ARNOLD

NO. 0626 P. 4/10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/543,679 : Examiner: Dr. Janet Epps
Filed: April 4, 2000 : Appl. Ref. No.: EPI-00671b
For: **LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS,
KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED
WITH BRONCHOCONSTRICITION, LUNG INFLAMMATION, ALLERGY(IES)
& SURFACTANT DEPLETION**

COVER LETTER

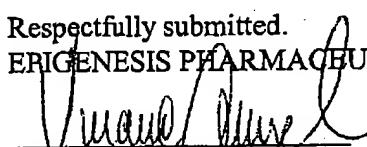
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

Enclosed for filing are the following:

1. Cover Letter (1 page)
2. Response (2 pages)
3. Marked-up copy of Substitute Specification, including application cover sheet (774 pages)
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Respectfully submitted.
ERIGENESIS PHARMACEUTICALS, INC.

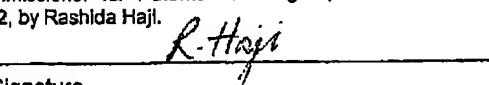

Viviana Amzel, Ph. D.
Reg. No. 30930
Attorney for Applicant

April 4, 2002

Date

7 Clarke Drive
Cranbury, NJ 08512
Phone 609-409-3035
Fax 609-860-8069
Email VAmzel@epigene.com

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents Washington, D.C. 20231, on April 4, 2002, by Rashida Haji.


Signature

JUN. 19. 2003 4:16PM

HOWREY SIMON ARNOLD

NO. 0626. P. 8/10

Electronic Document
(Sequence Listing in Compact Disk)
Docket No. EPL-00671b
Title: Low Adenosine Anti-Sense Oligonucleotide,
Compositions, Kit & Method For Treatment Of
Airway Disorders Associated With
Bronchoconstriction,
Lung Inflammation, Allerg(y)ies) & Surfactant

Applicant: Jonathan W. Nyce
Date of Making the Disk: April 4, 2002
Filing Date: April 4, 2000
Serial No. 09/543,679

JUN. 19. 2003 4:18PM

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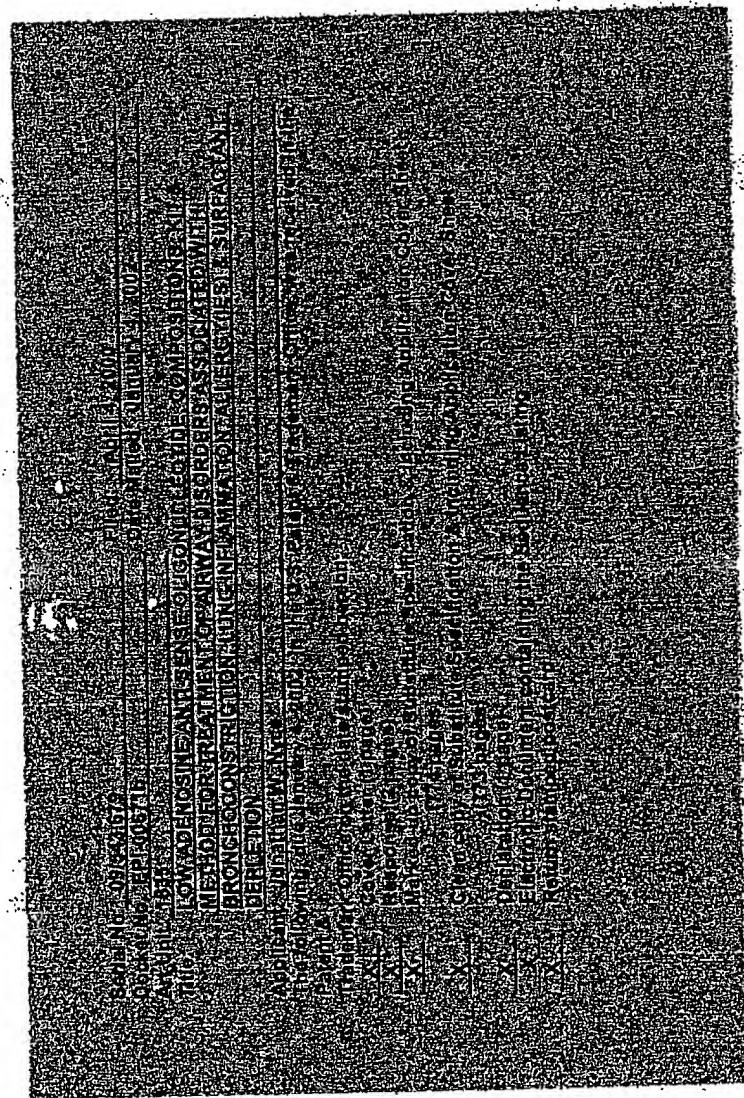
NO. 0626 P. 9/10

Viviana Amzel, Ph.D.
General Counsel, Legal Dept.
EpiGenesis Pharmaceuticals, Inc.
7 Clarke Drive,
Cranbury, NJ 08512

JUN. 19. 2003 4:20PM

HOWREY SIMON ARNOLD

NO. 0626 P. 10/10



JUN. 19. 2003 4:13PM

HOWREY SIMON ARNOLD

NO. 0626 P. 1/10



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URGENT

FACSIMILE COVER SHEET

DATE: June 19, 2003

TO: NAME: Examiner Janet I. Epps (Group Art Unit 1635)

COMPANY: Commissioner for Patents, USPTO

FAX NUMBER: (703) 746-5143 PHONE NUMBER: _____

CITY: WASHINGTON, D.C. 20231

FROM: NAME: Albert P. Halluin/Robin C. Chiang/walleje

DIRECT DIAL NUMBER: 650.463.8127 USER ID: 2020

NUMBER OF PAGES, INCLUDING COVER: 10 CHARGE NUMBER: 02486.0025.CPUS01

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OTHER: _____

ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

Message: Transmitted herewith are:

1. Statement Under 37 CFR 1.8(B)(1) (2 pages);
2. Cover letter (1 page);
3. Response (2 pages);
4. Declaration (1 page);
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6. Return stamped postcard (front and back) (2 pages).

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Thank you.

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